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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DISTRICT COUNCIL 16 NORTHERN
CALIFORNIA HEALTH AND WELFARE TRUST
FUND, et al.,

Plaintiffs,

v.

2nd GENERATION FLOOR COVERING, LLC *aka*
2nd GENERATION, LLC, a California Limited
Liability Company,

Defendant.

Case No.: C10-3053 WHA

**REQUEST TO CONTINUE OR
VACATE CASE MANAGEMENT
CONFERENCE; ~~[PROPOSED]~~
ORDER THEREON**

Date: October 28, 2010

Time: 11:00 a.m.

Ctrm: 9, 19th Floor,
450 Golden Gate Ave.
San Francisco, California

Judge: Honorable William Alsup

Plaintiffs herein respectfully request that the Case Management Conference currently on calendar for October 28, 2010, be continued or vacated entirely.

1. As the Court's records will reflect, a Complaint was filed in this matter on July 12, 2010, to compel Defendant's compliance with the terms of its Collective Bargaining Agreement.

2. Service on Defendant was effectuated on August 6, 2010, and a Proof of Service of Summons was filed with the Court on August 9, 2010.

3. On September 2, 2010, the Court entered the default of Defendant.

4. Pursuant to our previous request, the Court issued an Order Continuing the initial Case Management Conference to the current date, October 28, 2010, which stated that if Plaintiffs file their Motion For Default with the Court three days prior to that date, they may apply to continue the Case Management Conference date to the same date as the hearing date for the

1 Motion.

2 5. Despite being served with Plaintiffs' Request to Continue or Vacate Case
3 Management Conference on October 7, 2010, which states that a Motion For Default Judgment
4 will be filed by Plaintiffs within two weeks, we have had no contact from Defendant.

5 5. Plaintiffs filed their Motion For Default Judgment on October 25, 2010, three days
6 prior to the Case Management Conference. Said Motion is set for hearing on December 2, 2010.

7 6. There are no issues that need to be addressed at the currently scheduled Case
8 Management Conference. In the interest of conserving costs as well as the Court's time and
9 resources, Plaintiffs respectfully request that the Case Management Conference, currently
10 scheduled for October 28, 2010, be continued to either coincide with the date set for the Motion;
11 and/or continued for 60 to 90 days to allow disposition of the Motion; or vacated entirely.

12 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
13 entitled action, and that the foregoing is true of my own knowledge.

14 Executed this 25th day of October, 2010, at San Francisco, California.

15 SALTZMAN & JOHNSON
16 LAW CORPORATION

17 By: _____/S/
18 Michele R. Stafford
Attorneys for Plaintiffs

19 IT IS SO ORDERED.

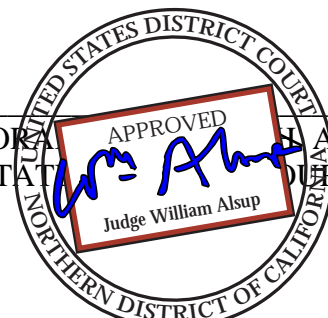
20 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
21 Management Conference is hereby continued to December 2, 2010. All related
22 deadlines are extended accordingly.

or

23 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
24 Management Conference is hereby vacated.

25 Date: October 26, 2010.

26 THE HONORABLE JUDGE WILLIAM ALSUP
27 UNITED STATES DISTRICT COURT
28



PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On **October 25, 2010**, I served the following document(s):

**REQUEST TO CONTINUE OR VACATE CASE MANAGEMENT CONFERENCE;
[PROPOSED] ORDER THEREON**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

2nd Generation Floor Covering, LLC
c/o Charles Lee Peoples, Jr.
Agent for Service of Process
420 Pendleton Way
Oakland, CA 94621

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this **25th day of October, 2010**, at San Francisco, California.

_____/S/
Elise Thurman
Paralegal